

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1614

PRESCOTT ET AL.

Examiner: Weddington, Kevin E

APPLICATION NO: 10/501,210

FILED: JULY 9, 2004

FOR: DRUG DELIVERY SYSTEMS FOR THE PREVENTION AND
TREATMENT OF VASCULAR DISEASES COMPRISING
RAPAMYCIN AND DERIVATIVES THEREOF

MS: Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is in response to the Office Action mailed July 18, 2007, requiring restriction under 35 U.S.C. § 121. The Office Action set a shortened statutory period for reply of one month from the mailing date of the communication. A five-month extension of time petition is included herewith.

In the Action, the Examiner imposed a restriction requirement between:

Claim Group I, claim 1 is drawn to a pharmaceutical composition comprising rapamycin or a derivative thereof having mTOR properties with one or more pharmaceutically acceptable diluents or carriers thereof, classified in class 514, subclass 183.

Claim Group II, claims 4-8 are drawn to a drug delivery device or system comprising a medical device with hollow tubes, classified in class 601, various subclasses.

Claim Group III, claim 9 is drawn to a combination comprising rapamycin or a rapamycin derivative having mTOR properties, an aldosterone synthetase inhibitor or an aldosterone receptor blocker, or with a compound inhibiting the rennin-angiotensin system, classified in class 514, subclasss 183, 325, and 369.

Claim Group IV, claim 10 is drawn to a method for preventing or treating smooth muscle cell proliferation and migration in hollow tubes, or increased cell proliferation or decreased apoptosis or increased matrix deposition in a subject with a rapamycin derivative having mTOR inhibiting properties or rapamycin in conjunction with one or more active co-agents, classified in class 514, subclass 183.

Claim Group V, claim 11 is drawn to a method for stabilizing vulnerable plaques in blood vessels of a subject with a rapamycin or a rapamycin derivative having mTOR inhibiting properties, optionally in conjunction with one or more active co-agents, classified in class 514, subclass 183.

Claim Group VI, claim 12 is drawn to a method for preventing or treating restenosis in diabetic patients comprising rapamycin or a rapamycin derivative having mTOR inhibiting properties, optionally in conjunction with one or more active co-agents, classified in class 514, subclass 183.

Claim Group VII, claim 13 is drawn to a method for the prevention or reduction of vascular access dysfunction comprising administering to the subject rapamycin or a rapamycin derivative having mTOR inhibiting properties, optionally in conjunction with one or more active co-agents, classified in class 514, subclass 183.

Accordingly, Applicants elect the subject matter of Claim Group I, (claim 1) for further prosecution in this application.

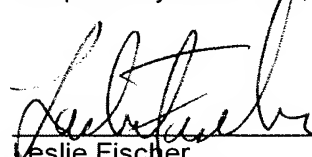
An early favorable action on the merits is respectfully requested.

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Date:

Jan 17/2007

Respectfully submitted,



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